

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

PATRICK JOSEPH GROULX,

Plaintiff,

Case No. 19-12560

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

CROP PRODUCTION SERVICES,

Defendant.

/

**ORDER ADOPTING REPORT & RECOMMENDATION AND DENYING
PLAINTIFF'S MOTION, ECF No. 31**

On July 28, 2019, Plaintiff filed a complaint in Bay Count Circuit Court which was removed on August 30, 2019. ECF No. 1. Plaintiff "alleges that on May 19, 2018, he was on his property and was injured when he was allegedly sprayed with an herbicide that caused serious medical injuries and injury to his property." *Id.* at PageID.2. On September 5, 2019, all pretrial matters in the case were referred to Magistrate Judge Morris. ECF No. 5.

On January 30, 2020, Plaintiff filed a motion titled "leave to appeal his complaint and requests an injunction." ECF No. 31. The motion will be construed as a motion to amend based upon his prayer for relief. On March 12, 2020, Magistrate Judge Morris issued a report and recommendation recommending the motion be denied. ECF No. 36.

Although the magistrate judge's report states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither party timely filed any objections. The election not to file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140,

149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal. *Id.*

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 36, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion, ECF No. 31, is **DENIED**.

Dated: April 24, 2020

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge